

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers
THRU: Mark Kutney, AICP, Development Services Director
FROM/PHONE: Daniel J. Stallone, Esq., Code Compliance Official: 797-1121
SUBJECT: Resolution
DATE: February 6, 2006

AFFECTED DISTRICT: District 1

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF ~~DAVIE~~ FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE LIENS IN CASE NO. 00-0413 FROM \$38,500 IN AMOUNT TO \$12,945.98, AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: Title to the subject property was held in the names of Kenneth Medeiros and Janyce L. Medeiros. Upon filing for mitigation the following facts were revealed:

1. The property is now in compliance with the applicable Town code sections.
2. The resident owner of the property, Kenneth Medeiros was killed in an automobile accident on March 20, 2004.
3. Thereafter, co-owner Janyce L. Medeiros, and Georgia Lay-Henry, mortgagee of the property learned of the town liens on said property.
4. Prior to that time, Ms. Medeiros had not resided in Broward County for a period of ten (10) years and had no contact with the deceased. Ms. Lay-Henry resides in North Carolina.
5. The subject property was sold by the respondent(s); the current owner is Top Video and Productions USA.

The mitigated amount will cover the Town expenses and the recommended mitigation guideline amount of \$12,945.98 may be considered for approval by the Town Council; upon such approval, the respondent may be given 45 days to pay the mitigated amount.

PREVIOUS ACTIONS: Not applicable.

CONCURRENCES: The Code Compliance Division offers the proposed mitigation amount as the result of the application of the Town Council-approved mitigation guidelines.

FISCAL IMPACT: Not applicable.

RECOMMENDATION(S): The Code Compliance Division recommends the approval of the mitigation amount equal to \$12,945.98 as per the mitigation schedule and guidelines.

Attachment(s): Resolution, Mitigation Request Summary, Mitigation Worksheet.

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF CODE COMPLIANCE LIENS IN CASE NO. 00-0413 FROM \$38,500 IN AMOUNT TO \$12,945.98; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Janyce L. Medeiros on behalf of herself and Kenneth Medeiros (deceased), has requested a mitigation of Code Compliance liens from \$38,500; and

WHEREAS, the Town of Davie Code Compliance Division has determined that the violation of Code Sections 9-2 and 9-51(b) were corrected; and

WHEREAS, the Town of Davie Code Compliance Division Mitigation Guidelines has proscribed a mitigation amount equal to \$12,945.98; and

WHEREAS, Janyce L. Medeiros on behalf of herself and Kenneth Medeiros (deceased), and the Town of Davie Code Compliance Division are agreeable to such mitigation.

WHEREAS, the Town Council is agreeable to such mitigation.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. That the certain Code Compliance liens arising out of Case No. 00-413 in the amount of \$38,500.00 against Kenneth Medeiros and Janyce L. Medeiros, are hereby mitigated in amount to \$12,945.98.

SECTION 2. That this mitigated amount of \$12,945.98 be paid to the Town within 45 days of the enactment of this Resolution. Should this amount of \$12,945.98 not be paid within the specified time the liens shall revert to the original amount of \$38,500.00.

SECTION 3. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS ____ DAY OF _____, 2006

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS ____ DAY OF _____, 2006

**TOWN OF DAVIE CODE COMPLIANCE
MITIGATION WORKSHEET
CASE #00-0413**

Respondent(s): Kenneth Medeiros and Janyce L. Medeiros

Address: 6300 SW 41 Court, Davie, FL

Fine/Lien Amount: \$38,500.

Mitigation Recommendation:
(as per approved mitigation guidelines)

a) 15% of \$38,500	=	\$ 5,775.00
b) 16% of \$38,500 85 days of non-compliance equals 2 X 8% of lien/fine per 60 days of non-compliance	=	\$ 6,160.00
c) Mitigation Base Fee (Town costs incurred by Code Compliance)	=	\$ 1010.98
Total	=	\$ 12,945.98

MITIGATION REQUEST SUMMARY

NAME: Kenneth Medeiros (deceased) and Janyce L. Medeiros (Former owners/respondents).
Top Video and Productions USA (Current property owner).

ADDRESS: 6300 SW 41 Court

CASE: 00-0413

SUMMARY:

Date respondent cited:

July 27, 2000

Date of Final Order:

August 23, 2000

Non-Compliance Hearing(s):

2/25/03 6/3/03

Fine/Lien Imposed:

\$6,000. \$32,500.

Total:

\$38,500.

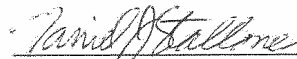
Date respondent requested mitigation:

November 01, 2005

1. The property is now in compliance with the applicable Town code sections.
2. The resident owner of the property, Kenneth Medeiros was killed in an automobile accident on March 20, 2004, thereafter, co-owner Janyce L. Medeiros and Georgia Lay-Henry, mortgagee of the property learned of the town liens on said property.
4. That prior to that time Ms. Medeiros had not resided in Broward County for a period of ten (10) years and had no contact with the deceased. Ms. Lay-Henry resides in North Carolina.
5. The mitigation guidelines recommended the amount of \$12,945.98.

The mitigated amount will cover the Town expenses and the recommended mitigation guideline amount of \$12,945.98 may be considered for approval by the Town Council; upon Town Council approval, the respondent may be given 45 days to pay the mitigated amount.

MARK KUTNEY
DEVELOPMENT SERVICES DIRECTOR



DANIEL J. STALLONE
CODE COMPLIANCE OFFICIAL